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ADMITTED MA, NY, ME

December 8, 2005

Hon. Patti B. Saris
United States District Court
1 Courthouse Way
Boston, MA 02210

RE: US v. Michael Alcott; No. 1:04-cr-10286 PBS; Request For Status Conference

Dear Judge Saris:

The defense requests a status conference to determine how the parties should proceed at the hearing set for 3:00 o'clock on December 20. Counsel suggests that the parties could address non-evidentiary matters, but that the taking of defendant's witnesses should be continued until after the Christmas holiday. The Court has ordered the parties to begin the hearing on December 20 and noted that the testimony of defendant's expert can be continued to a later date. Pursuant to an order for enlargement of time, counsel served on December 6 defendant's 16 pages of comments and objections to the November 15, 2005 PSR together with attached medical and other records.

There are some unresolved matters that will affect how the defense proceeds. At present, the defense cannot file motions or a comprehensive sentencing memorandum. Probation has not had time to respond and the issues in resolving the multiple counts of the superceding information are complicated (not to speak for US Probation, merely counsel's view). Counsel also notes that the defendant's expert, Dr. Montgomery Brower, remains ill with pneumonia and has not been able to work. The plea agreement affords the government discovery from the defendant's experts a minimum of 21 days before hearing. Finally, counsel is trying to obtain relevant legal and counseling records that are temporarily unavailable due to the keeper's office move.

Counsel requests a 15-minute status conference. Counsel and AUSA Pirozzolo are available Friday, December 9, and Monday, December 12.

Sincerely,

Kevin L. Barron

Kevin L. Barron
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